

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

**v.**

**DANTE BAILEY, et al.,**

**Defendants.**

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**CRIMINAL NO. CCB-16-0267**

**GOVERNMENT’S RESPONSE IN OPPOSITION  
TO MOTION TO CONTINUE THE TRIAL (1060)**

The Saturday before trial, Randy Banks has filed a motion to continue because he alleges he is unable to adequately review the government’s production of Jencks material in time for trial. The motion is joined by Corloyd Anderson. The motion is based on several misstatements of fact and should be denied.

1. In accordance with the parties’ discovery agreement and this Court’s prior ruling, the Government made an early production of Jencks material to defense counsel one week before trial, on Monday, March 11, 2019. The week before making the production, government counsel explained that the production would be ready for pickup at the U.S. Attorney’s Office at 9:30a.m. Monday morning, and that if any defense attorney was not able to pick it up on Monday, it would be sent to them via overnight mail on Monday. Because Mr. Banks’ lawyer, Brian Sardelli, was not able to pick up the production on Monday, it was sent via overnight mail to his office and arrived Tuesday, March 12, 2019—still a week before any witness will testify in this case.

2. The production was made on a 32 gigabyte sized flash drive but contains roughly 23 gigabytes of material. The large file size is primarily due to the inclusion of cell phone

downloads and video interviews. However, government counsel has identified for Mr. Sardelli and Elita Amato (counsel for Mr. Anderson) the roughly five witnesses who will testify against their clients. The testimony of these witnesses is summarized in roughly two dozen reports of interviews and proffers consisting of a few pages each.

3. The discovery was produced in an organized fashion. There is a folder for each witness, and the files within each folder are labeled by date and subject matter. The files are in Adobe .pdf and are searchable or easily converted to searchable format. A copy of the production has also been produced to the defense coordinating discovery attorney, Russ Aoki. It is the government's understanding based on conversations with defense counsel that Mr. Aoki is able to upload the discovery into a searchable database and reformat it according to defense counsel's needs.

4. In response to requests from defense counsel over the past week, the government has produced certain additional information, while making clear that it is the government's position that this information is *not* valid impeachment material. For instance, the government has provided information about certain arrests that did not result in convictions, as well as a video of a murder that is not charged in the indictment.

5. Because the trial is scheduled to last seven to eight weeks, Mr. Sardelli and Ms. Amato will have many weeks to digest most of the material before the relevant witnesses are called. This is more than ample time to review the statements of the witnesses who will testify against their clients and effectively prepare for cross-examination.

6. Mr. Sardelli states that the government has "withdrawn" previous plea offers to Mr. Banks. This is inaccurate. The government made an offer to Mr. Banks on August 14, 2018, with an expiration date of August 24, 2018. Mr. Banks rejected the offer. At multiple points after the

offer expired, including as recently as yesterday, March 15, 2019, Mr. Sardelli informed government counsel that Mr. Banks still rejected the offer. There was no “withdrawal” of any offer.

**CONCLUSION**

For the foregoing reasons, the government respectfully requests that the Court deny the motion to continue the trial.

Respectfully submitted,

Robert K. Hur  
United States Attorney

By: \_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 16, 2019, a copy of the foregoing Response in Opposition to Motion to Continue the Trial was electronically filed with the Clerk of Court via CM/ECF and thereby served on all counsel of record.

\_\_\_\_\_/s/\_\_\_\_\_  
Christina A. Hoffman  
Assistant United States Attorney